

## **EXHIBIT 2**

### **Excerpts of Deposition of Hazel Roby**

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1 the time of the accident was owned by his  
2 parents, the Johnsons; is that correct?

3 A. Yes.

4 Q. When did they purchase the  
5 vehicle?

6 A. I don't -- I don't know.

7 Q. Do you know how much they  
8 paid for it?

9 A. No, I don't.

10 Q. Do you know where they  
11 purchased it?

12 A. No, I don't.

13 Q. Do you recall how many miles  
14 it had on it?

15 A. No. I don't recall.

16 Q. Was it a vehicle that you  
17 drove frequently?

18 A. Yes.

19 Q. Did you have any insurance  
20 on the car?

21 A. No.

22 Q. Did Mr. Roby have any  
23 insurance on the car?

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1 A. On the Malibu?

2 Q. On the Malibu?

3 A. No.

4 Q. All right. Did y'all have  
5 insurance on the Mercedes?

6 A. To my knowledge, he did.

7 Q. Who was the insurance  
8 carrier on the Mercedes?

9 A. I don't know because he  
10 handled that part of the business.

11 Q. Have you seen any documents,  
12 you know, at y'all's house or something  
13 that might say who you had insurance with  
14 on the Mercedes?

15 A. I saw one document that I  
16 found, you know, that I saw, you know,  
17 when I was packing from the insurance  
18 company, and I can't recall the insurance  
19 company's name.

20 Q. Would you be able to locate  
21 that document again, do you think?

22 A. I don't know.

23 Q. Have you received any

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1 payments from a car insurance company as a  
2 result of this accident?

3 A. Yes.

4 Q. How much?

5 A. I don't -- I don't recall  
6 the amount.

7 Q. Do you remember an  
8 approximate amount?

9 A. Approximately -- I guess  
10 within five thousand.

11 MR. BOONE: It don't matter. He  
12 may be able to track it  
13 down, because your words --  
14 your exact words I guess,  
15 we don't want you to guess.

16 THE WITNESS: Okay.

17 MR. BOONE: But your best  
18 recollection, if you feel  
19 comfortable, I want you to  
20 tell him.

21 A. No. We'll supply that later  
22 because I don't know. I don't want to  
23 guess.

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1           Q.           And I don't want you to  
2 guess either. But, you know, sometimes I  
3 might ask you just for a general range of  
4 something and I'm not going to hold you to  
5 that exact number. I'm just trying to get  
6 an idea of things for my purpose to the  
7 best of your memory. So with that being  
8 said --

9           A.           Excuse me. Would this be a  
10 conflict what he just said, he's not going  
11 to hold --

12           MR. BOONE: Don't worry about  
13 it. Just remember that if  
14 you feel comfortable  
15 answering what he said, you  
16 should if you can give it  
17 in a fair range. If it's a  
18 guess, don't do it. Just  
19 don't guess. But if you  
20 feel like, well, I feel  
21 comfortable it was in a  
22 range and you can say that,  
23 do so. But just caution is

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1 do not guess like he is --  
2 he don't want you to guess.  
3 But if you feel comfortable  
4 that you can give him a  
5 range, do so.

6 Q. All right. And with that  
7 being said, I mean, do you remember if it  
8 was, say, somewhere between a dollar and  
9 less than ten thousand dollars?

10 A. Yes.

11 Q. Is it in that range?

12 A. Yes.

13 Q. And narrowing that down a  
14 bit. Would you say it was about between  
15 two thousand and eight thousand dollars,  
16 in that range?

17 A. Between -- within five  
18 thousand, approximately.

19 Q. And do you remember the name  
20 of the insurance company that sent you  
21 that money?

22 A. I don't, but -- I don't  
23 right offhand.

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1 Q. Is that something that you  
2 could find out and let your attorney know?

3 A. Yes.

4 Q. How long after the accident  
5 was it that you received that payment?

6 A. I don't know, but that will  
7 be supplied, also, with that.

8 Q. Do you have any knowledge as  
9 to what the source of the payment would  
10 have been? And by that, I mean whether it  
11 was the insurance that was on your  
12 Mercedes or whether it was insurance on  
13 the Malibu?

14 A. On the Malibu.

15 Q. And who paid for the  
16 insurance on the Malibu?

17 A. His parents.

18 Q. Have you received any other  
19 payments as a result of this accident?

20 A. Yes.

21 Q. Okay. What else have you  
22 received?

23 A. Life insurance policy.

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1 Q. How much was the life  
2 insurance that you received?

3 A. I don't recall.

4 Q. Well, do you recall a range  
5 like we were talking about earlier?

6 A. That would be -- if you need  
7 it, it would be supplied at a later time.  
8 But right now, I -- I don't recall that  
9 amount.

10 Q. Do you have some documents  
11 that would indicate that amount?

12 A. Yes.

13 Q. And what was the source of  
14 the life insurance? I mean, was it  
15 something that you had through your work  
16 or that you had purchased from an  
17 insurance agent?

18 A. Work --

19 MR. BOONE: Let me make that --  
20 I don't know how many more  
21 insurance questions, but  
22 that's clearly irrelevant  
23 and not pertinent to a



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1 death case in Alabama which  
2 is purely punitive. But  
3 I'll allow the questions to  
4 continue, but it's not  
5 discoverable evidence in  
6 this case but definitely  
7 not admissible evidence in  
8 this case. But I'll let  
9 her go ahead and answer.

10 MR. BROCKWELL: And -- and  
11 whether this is admissible  
12 at trial or not is a  
13 separate issue, obviously.  
14 But what we've told you in  
15 a letter, LaBarron, was  
16 that, you know, we think  
17 any insurance payments are  
18 relevant at least at this  
19 stage for us to know if  
20 there's any potential  
21 offsets or credits, any  
22 sort of subrogation claims  
23 out there, claims for

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1 reimbursement. And that's  
2 the reasons I'm asking  
3 these questions, to make  
4 sure it's not a possible  
5 insurance company down the  
6 road to ask my client to  
7 pay them back for whatever  
8 they've paid you. And  
9 that's why I need to know  
10 about these items.

11 Q. So you say you've received life  
12 insurance and that you believe you have  
13 some documents you could give your  
14 attorney on those payments; is that  
15 correct?

16 A. Right. And I received a  
17 check from Benton Express.

18 Q. And you understand that's my  
19 client, ma'am, Benton Express?

20 A. Right.

21 Q. When did you receive that?

22 MR. BOONE: I'm going to object  
23 to the form. Irrelevance

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1                   of these questions, too,  
2                   but you can answer. I  
3                   think y'all -- I know y'all  
4                   sent it to her.

5                   A.       I guess within -- within two  
6                   months ago, I believe.

7                   Q.       And do you recall what the  
8                   amount was of that?

9                   MR. BOONE: Object to the form.  
10                   They sent the check. They  
11                   know how much it was.

12                   A.       I can supply you a copy of  
13                   that. Right now I don't know the exact  
14                   amount. I couldn't guess.

15                   Q.       Was it your understanding  
16                   that the payment from Benton Express was  
17                   for the funeral expenses that you  
18                   incurred?

19                   MR. BOONE: If you don't  
20                   remember.

21                   A.       Yes.

22                   Q.       You can answer.

23                   MR. BOONE: You can answer, if

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1                   you know.

2                   A.       Yes.

3                   Q.       Okay. Other than the car  
4 insurance payment, the life insurance and  
5 the money from Benton Express, have you  
6 received any other money as a result of  
7 this accident?

8                   A.       Yes.

9                   Q.       Tell me what else you've  
10 received.

11                  A.       From Social Security widow  
12 pay.

13                  Q.       And did you get a sort of  
14 death benefit from Social Security?

15                  A.       Yes, for the surviving  
16 widow.

17                  Q.       Was that just a lump sum?

18                  A.       Yes.

19                  Q.       And so you're not continuing  
20 to receive payments from Social Security?

21                  A.       No.

22                  Q.       And do you recall what the  
23 amount of that was?

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1           A.           It's the normal amount that  
2 they give according to what Social  
3 Security said.

4           Q.           Okay. Anything else?

5           A.           No.

6           Q.           Was your husband taking any  
7 prescription medications at the time this  
8 accident occurred?

9           A.           Yes.

10          Q.           What was he taking?

11          A.           He was taking blood pressure  
12 medicine.

13          Q.           And did he have high blood  
14 pressure?

15          A.           Yes.

16          Q.           Any other medications that  
17 he was taking?

18          A.           He was taking Nexium for his  
19 ulcers.

20          Q.           I'm sorry. Did you say  
21 ulcers he had?

22          A.           I'm sorry. Reflux. His  
23 reflux.